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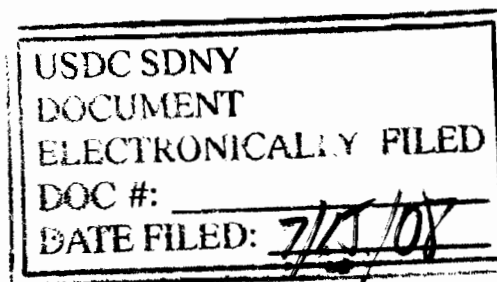
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July 9, 2008

VIA FACSIMILE (212.805.7901)

Anna Gercas, Esq.
Law Clerk to the Hon. Harold Baer, Jr.
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 2230
New York, NY 10007



010365-1

Re: *Arista Records LLC, et al. v. Usenet.com*; No. 07-CIV-8822(HB), In the United States District Court for the Southern District of New York

Dear Ms. Gercas:

I write in response to plaintiffs' letter brief to the court dated July 8, 2008 (that defendant received at 6:00 p.m. EDT), in which plaintiffs seek leave to file a formal motion for sanctions and to compel the timing and manor of presenting defendant's key witness for depositions ("Plaintiffs' Letter Brief"). Following your suggestion today, in response to our inquiry about the deadline to respond to Plaintiffs' Letter Brief, defendant writes seeking adequate time to respond.

Defendant seeks a period of time to respond to Plaintiffs' Letter Brief that is adequate to address the accusations made and extensive relief requested in it and that is on par with the time plaintiffs had to prepare it. Plaintiffs had approximately three weeks to prepare Plaintiffs' Letter Brief since defendant produced to plaintiffs on June 19 some 200,000+ electronic "music" files and millions of file headers comprising electronic data that plaintiffs contend defendant destroyed. This material alone filled more than seven DVD's. Moreover, the core event about which plaintiffs complain occurred more than four months ago, and the parties have had scores of communications since about the exigencies of capturing and producing this electronic data. Indeed, it took plaintiffs seven single-spaced pages in its Letter Brief to summarize its position just to seek leave to file a motion. Respectfully, Plaintiffs' Letter Brief raises a great many events and circumstances, and defendant should be allotted an adequate amount of time to meaningfully apprise the court of defendant's position in response. Accordingly, defendant requests that it be given until July 29 to respond to Plaintiffs' Letter Brief or such amount of time as the court deems appropriate.

Ms. Anna Gercas
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Defendant stands ready to provide additional information or informally discuss the parties' requests at the court's convenience.

Very truly yours,
PORTER & HEDGES, LLP

Charles S. Baker

Charles S. Baker

by permission LRT

CSB:jkn

c: Counsel for Plaintiffs

*Defendant's response to Plaintiff's
letter shall be filed by July 22, 2008.*

SO ORDERED

7/15/08

Theodore H. Katz
THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE